

AMENDED IN SENATE APRIL 18, 2006

AMENDED IN SENATE MARCH 29, 2006

SENATE BILL

No. 1555

Introduced by Senator Speier
(Coauthors: Senators Bowen and Kuehl)
(Coauthors: Assembly Members Jones, Mullin, and Pavley)

February 23, 2006

An act to add *Section 16304.6 to, and to add Article 4* (commencing with Section 123370) to Chapter 1 of Part 2 of Division 106 of, the Health and Safety Code, relating to cord blood banking.

LEGISLATIVE COUNSEL'S DIGEST

SB 1555, as amended, Speier. Umbilical cord blood banking: education.

Existing law imposes various responsibilities upon the State Department of Health Services and prenatal care providers with respect to prenatal care, screening, and counseling.

This bill would require that a primary prenatal care provider, as defined, provide to a woman who is known to be pregnant, ~~by the end of the 2nd trimester~~ *during the first prenatal visit*, information developed by the State Department of Health Services regarding her options with respect to umbilical cord blood banking. The bill would provide that a prenatal care provider who ~~violates~~ *demonstrates willful or repeated violations of* this requirement may be ~~subject to a civil penalty of \$100 for the 2nd and subsequent violation~~ *referred to the appropriate licensing authority*. The bill would require the department to develop standardized, objective information, *available in Cantonese, English, Spanish, and Vietnamese*, about cord blood donation that is sufficient to allow a pregnant woman to make an

informed decision on whether to participate in a private or public umbilical cord blood banking program. *This bill would require a cord blood bank, in order to be licensed under these provisions, to be accredited, as specified.*

Existing law, administered by the State Department of Health Services, contains provisions governing the licensure of blood banks. A violation of these provisions is a misdemeanor.

This bill would, notwithstanding any other provision of law, provide that a blood bank, in order to be licensed to provide cord blood banking donation services, shall be required to be accredited by the American Association of Blood Banks.

Because a violation of this provision would create a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 16304.6 is added to the Health and
2 Safety Code, to read:

3 16304.6. Notwithstanding any other provision of law, a blood
4 bank, in order to be licensed to provide cord blood banking
5 donation services, shall be required to be accredited by the
6 American Association of Blood Banks.

7 ~~SECTION 1.~~

8 SEC. 2. Article 4 (commencing with Section 123370) is
9 added to Chapter 1 of Part 2 of Division 106 of the Health and
10 Safety Code, to read:

11
12 Article 4. Cord Blood Banking Education

13
14 123370. (a) The primary prenatal care provider of a woman
15 who is known to be pregnant shall, ~~by the end of the second~~
16 ~~trimester (28th week),~~ during the first prenatal visit, provide her

1 with information developed by the department regarding her
2 options with respect to umbilical cord blood banking *at the same*
3 *time the provider provides information regarding the use and*
4 *availability of prenatal screening for birth defects of the fetus, as*
5 *required by Section 6527 of Title 17 of the California Code of*
6 *Regulations*. For purposes of this section, a “prenatal care
7 provider” means a health care provider licensed pursuant to
8 Division 2 (commencing with Section 500) of the Business and
9 Professions Code, or pursuant to an initiative act referred to in
10 that division, who provides prenatal medical care within his or
11 her scope of practice.

12 (b) A prenatal care provider who ~~violates~~ *demonstrates willful*
13 *or repeated violations of this section may be issued a citation for*
14 ~~and assessed an administrative fine of one hundred dollars (\$100)~~
15 ~~upon the second, and for each subsequent, complaint against the~~
16 ~~provider pursuant to this section.~~ *referred by any person having*
17 *knowledge of the violations to the appropriate licensing*
18 *authority.*

19 (c) *Nothing in this section is intended to modify Section 6527*
20 *of Title 17 of the California Code of Regulations.*

21 123371. (a) The State Department of Health Services shall
22 develop standardized, objective information about cord blood
23 donation that is sufficient to allow a pregnant woman to make an
24 informed decision on whether to participate in a private or public
25 umbilical cord blood banking program. This information shall
26 include, but not be limited to, all of the following:

27 (a)

28 (1) An explanation of the differences between public and
29 private umbilical cord blood banking.

30 (b)

31 (2) The medical process involved in umbilical cord blood
32 banking.

33 (c)

34 (3) The current and potential future medical uses of stored
35 umbilical cord blood.

36 (d)

37 (4) The benefits and any risks involved in banking umbilical
38 cord blood.

39 (e)

1 (5) The availability and costs of public or private umbilical
2 cord blood banks.

3 (6) *Medical or family history criteria that should impact a*
4 *family's consideration of private blood banking.*

5 (7) *An explanation that the practices and policies of blood*
6 *banks may vary with respect to accreditation, cord blood*
7 *processing and storage methods, costs, and donor privacy.*

8 (b) *The information provided by the department pursuant to*
9 *subdivision (a) shall be made available in Cantonese, English,*
10 *Spanish, and Vietnamese.*

11 SEC. 3. *No reimbursement is required by this act pursuant to*
12 *Section 6 of Article XIII B of the California Constitution because*
13 *the only costs that may be incurred by a local agency or school*
14 *district will be incurred because this act creates a new crime or*
15 *infraction, eliminates a crime or infraction, or changes the*
16 *penalty for a crime or infraction, within the meaning of Section*
17 *17556 of the Government Code, or changes the definition of a*
18 *crime within the meaning of Section 6 of Article XIII B of the*
19 *California Constitution.*